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DAWN

27th Amendment 'dethrones' SC, legal experts warn

• Article 175 tweak 'ends judiciary as we knew it', says senior counsel • Supporters believe new constitutional court will modernise judiciary

By Nasir Iqbal

ISLAMABAD: The initial draft of the 27th Constitutional Amendment Bill, tabled in the Senate on Saturday, has led many legal experts to believe that the tweaks would, in effect, dethrone the Supreme Court as the country's highest judicial forum, ceding that position to a proposed Federal Constitutional Court (FCC).

However, proponents of the amendment say the new constitutional court would modernise the judiciary, reduce backlogs and separate constitutional and appellate jurisdictions — a reform they argue will improve efficiency and clarity in the justice system.

"Left with a limited jurisdiction of deciding ordinary civil, criminal and statutory appeals, the Supreme Court has now become all the more a 'Supreme District Court'," remarked a senior counsel who asked not to be named.

He warned that the government could now amend laws like the Elections Act 2017 and others to route appeals to the FCC instead of the Supreme Court.

Amendment to Article 175, he said, was "virtually the end of the judiciary as we knew it", arguing that the Supreme Court had been "amended out of the Constitution by making it irrelevant".

Former additional attorney general Tariq Mehmood Khokhar said the essence of the package was twofold.

First, the insertion of a new Chapter 1A in the Constitution that, in his view, tightens executive control over the superior judiciary through expanded powers to transfer high court judges, and establishes an FCC "empowered by disempowering the Supreme Court".

Second, an amendment to Article 243 that formally vests the office of Chief of the Defence Forces in the Chief of the Army Staff and constitutionally guarantees the Field Marshal rank for life.

Another lawyer, also speaking on condition of anonymity, said that although the senior-most of the two chiefs would chair the Judicial Commission of Pakistan, "for all other purposes, the FCC will be in the commanding position".

He pointed out that wherever the oaths of judges of the Supreme Court and FCC are mentioned, the FCC is referenced first. "It is clear now which court is higher in terms of hierarchy," he said.

He noted that under the amended Article 175A, the chief justice of the FCC is listed before the chief justice of the Supreme Court and will have a longer tenure, retiring at 68, compared to the current retirement age of 65 for Supreme Court judges.

'Forward-looking reform model'

In contrast, senior counsel Hafiz Ahsaan Ahmad Khokhar welcomed the initiative, calling the proposed 27th Amendment "a major and long-awaited structural shift" in the justice system.

He said the creation of two separate apex courts — the existing Supreme Court dealing primarily with appellate functions, and a new FCC with exclusive jurisdiction over constitutional interpretation, inter-governmental disputes and matters arising under Article 199 — reflected "a forward-looking reform model".

This division, he argued, would bring Pakistan closer to systems in many established democracies where constitutional and advisory jurisdictions are institutionally distinct, providing "greater clarity, efficiency and constitutional coherence".

He said the reforms could help depoliticise the higher judiciary, eliminate internal divisions, reduce backlogs and prevent overlapping between constitutional and appellate benches.

Mr Khokhar said the amendments to Article 243 were in line with "modern constitutional democracies", with a unified advisory framework under a principal military adviser answerable to the prime minister, the defence minister and the National Security Committee.

Meanwhile, newly elected Supreme Court Bar Association President Haroonur Rasheed supported the idea of setting up an FCC, and said the association was considering convening an All Pakistan Lawyers Convention, in consultation with the Pakistan Bar Council and other bar bodies. "I am glad that an FCC is being established in the country by amending the Constitution with consensus and unanimity," he said.

PM reaffirms Pakistan's commitment to peace

Continued from Page 1

grown from strength to strength over the years," the prime minister said.

He recalled that Azerbaijani and Turkish military contingents had proudly marched alongside the Pakistan Armed Forces in Islamabad amid tremendous applause on August 14 this year, when Pakistan celebrated Marka-i-Haq to commemorate its historic victory in the four-day war with India.

The premier said that their hearts swelled with pride over Azerbaijan's celebrations. "Today, as I witness your radiant faces and shining eyes, those cherished childhood memories are being refreshed," he remarked.

PM Shehbaz said Azerbaijan's victory in Karabakh was a glorious vindication of a just cause.

He noted that this year, the entire world had witnessed how the great people and resolute leadership of Azerbaijan and Turkiye stood firmly with Pakistan during the four-day war with India in May.

PRIME Minister Shehbaz Sharif shakes hands with Turkish President Recep Tayyip Erdogan in Baku.—APP

The PM said under the dynamic and fearless command of Field Marshal Syed Asim Munir, Pakistan's highly professional armed forces delivered a "bloody nose" to the enemy with a precise and highly effective military response that stunned the adversary into shock and disbelief. "Our ever-vigilant air force hawks, ably commanded by Air Chief Marshal Zaheer Baber Sidhu, shot down seven highly sophisticated enemy aircraft with lightning speed in defence of the motherland," he added.

PM Shehbaz lauded US President Donald Trump for his bold leadership that led to a ceasefire between Pakistan and India, restoring peace in South Asia and averting a major war.

He also lauded the successful development model of present-day Turkiye, whose architect, he said, was none other than President Recep Tayyip Erdoğan. He expressed gratitude to President Erdoğan and the Emir of Qatar, Sheikh Tamim bin Hamad Al Thani, for their invaluable contributions in facilitating peace efforts between Pakistan and Afghanistan.

President Ilham Aliyev, in his remarks, thanked PM Shehbaz for his presence and said Pakistan stood firmly with Azerbaijan during the 44-day war.

He said that Azerbaijan, Turkiye, and Pakistan demonstrated their unity, brotherhood, and friendship through the presence of their military personnel in the parade.—APP

Parliamentary committees agree on most clauses of proposed changes

JUI-F members boycott proceedings; deliberations on field marshal's status today

By Malik Asad

ISLAMABAD: The standing committees of both houses of parliament on law and justice in a joint session on Saturday cleared nearly 80 per cent of the proposed 27th Constitutional Amendment Bill, including most clauses of the judicial reforms package.

But deliberations on field marshal's status under Article 243 of the Constitution were deferred to Sunday (today).

The joint session of the National Assembly and Senate committees was convened under the chairmanship of Senator Farooq H. Naek.

Despite a boycott by two members of the Jamiat Ulema-i-Islam-Fazl (JUI-F), Senator Kamran Murtaza and MNA Aliya Kamran, the committee continued its proceedings and examined several key constitutional amendments, particularly those pertaining to the superior judiciary.

The JUI-F legislators staged a walkout, alleging that provisions previously discarded during the 26th Amendment process were being reintroduced through 27th Amendment, terming the move a "breach of trust".

Presidential order

The committees discussed the composition and functioning of the proposed federal constitutional court.

According to informed sources, it was decided during the deliberations that the initial strength of the federal court would be determined through a presidential order.

However, they said, any subsequent increase in the number of judges would be made through an act of parliament.

Judges' transfer

The standing committees in a joint sitting are also likely to finalise the mechanism for the transfer of high court judges through the Judicial Commission of Pakistan (JCP) — a process which may not require the consent of the judges being transferred.

Speaking to the media after the session, Senator Naek said that the JUI-F members had boycotted the meeting on the directives of their party leadership.

"After their departure, the meeting continued. Around 80 per cent of the proposed amendments have been examined.

The committee addressed the reservations raised by some members, developed consensus on most points, and resolved ambiguities on several issues," he said.

Field marshal's status

Responding to a question, he said the committee had not yet discussed Article 243, which would determine the constitutional status of a field marshal, but clarified that the matter would be examined in detail during the clause-by-clause review of the bill.

Law Minister Azam Nazeer Tarar told reporters after the meeting that all parliamentary parties were participating in the process and that the government had also "requested the opposition to contribute constructively". He described the proposed constitutional package as a "long-awaited and comprehensive reform," noting that it has been under discussion for more than a decade.

"At the time of the 18th Amendment, this issue was part of the broader constitutional agenda. It resurfaced during the 26th Amendment, but could not materialise due to certain political and procedural considerations," he recalled.

PTI alleges power grab behind latest tweaks

• Says move will sound 'death knell for democracy, judicial independence and civilian supremacy' • Opposition alliance says nationwide protests to begin today

By Ikram Junaidi

ISLAMABAD: Pakistan Tehreek-i-Insaf (PTI) has made it clear that the "most contentious, person-specific and self-serving" 27th Constitutional Amendment would sound the death knell for democracy, judicial independence, and civilian supremacy.

The party has urged all political forces, the legal fraternity, journalists, civil society, and citizens from all walks of life to unite and thwart what it described as the regime's "anti-constitutional and anti-people" scheme.

PTI Central Information Secretary Sheikh Waqas Akram warned that the regime was engaged in a calculated plot to entrench authoritarian rule, silence dissenting voices, and permanently erode the very foundations of Pakistan's democratic and constitutional framework.

He sounded the alarm over the unprecedented rush to convene a cabinet meeting while the premier was abroad, in order to push through the "most controversial" bill as if Pakistan were under siege.

He warned that the move reeks of a brazen power grab at the nation's expense — despite Deputy PM Ishaq Dar's repeated claims that a new amendment could not be introduced because the 26th Amendment was still in the process of being absorbed. He cautioned the PPP and PML-N that the proposed constitutional amendments, aimed at creating a meta-authority or supra-state structure, would bury democracy, erode civilian supremacy, and suppress dissent — ultimately hoisting those supporting it with their own petard.

Mr Akram urged the PPP to join the opposition and act as a bulwark against the passage of the 27th Amendment, adding that resisting the move could restore the struggling party as a formidable political force, while facilitating the legislation would drive the final nail into its political coffin.

Attack on balance of power

Senator Ali Zafar told *Dawn* PTI boycotted the proceedings of the standing committees where the bill was being discussed. "The proposed 27th Amendment is nothing short of a conspiracy against the Constitution.

The entire process is being carried out in haste, without consultation or deliberation, in complete disregard of democratic norms and parliamentary traditions," he said. "These amendments strike at the very foundation of the constitutional structure by undermining the independence of the judiciary and eroding the delicate balance of powers that the 1973 Constitution so carefully constructed," he added.

"Any change to the Constitution must come only through broad-based national consensus, not through secret drafts or executive dictates," he said.

Former NA speaker Asad Qaiser told *Dawn* PTI maintained a clear stance that the current parliament could not undertake legislation since it lacked the mandate of the masses. "We will use all possible tactics and platforms, including protest, to stop this legislation," he explained.

Protest movement

The Tehreek Tahafuz Ayeen-i-Pakistan on Saturday announced a nationwide protest movement against the proposed amendment, urging the people to take a stand against the "extremely dark and dangerous" change in the Constitution.

In a video statement, Pashtunkhawa Milli Awami Party (PkMAP) Chairman Mahmood Khan Achakzai and Majlis Wahdat-i-Muslimeen Chairman Senator Allama Raja Nasir Abbas, said the protest movement would begin from Sunday.

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